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**DECISION**



**THE COMPTROLLER GENERAL  
OF THE UNITED STATES**  
WASHINGTON, D. C. 20548

FILE: B-207705

DATE: June 11, 1982

MATTER OF: Check-Mate Industries, Inc.

**DIGEST:**

Protest concerning the small business size status of a bidder is by law a matter for decision by the Small Business Administration and not for consideration by GAO.,

Check-Mate Industries, Inc. protests the award of a contract to Ajax Hardware Corporation under solicitation No. DAAK 10-82-B-0066, a small business set-aside, issued by the U.S. Army Armament Research & Development Command. Check-Mate contends that Ajax is affiliated with other companies and for that reason is not a small business.

Pursuant to 15 U.S.C. § 637(b)(6) (1976), the Small Business Administration (SBA) has conclusive authority to determine the size status of a business concern. Under the applicable regulations, a size protest must be filed with the contracting officer who in turn is to forward the matter to SBA for resolution. Defense Acquisition Regulation § 1-703(b)(1). Therefore, our Office does not review challenges to a bidder's small business size status. Industrial Lease, Inc. of Fayetteville, B-204446, August 31, 1981, 81-2 CPD 191.

Accordingly, the protest is dismissed.

*Harry R. Van Cleve*  
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Acting General Counsel